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7 JESUS CERDA,  
8 Plaintiff,  
9 v.  
10 ALLY FINANCIAL, et al.,  
11 Defendants.

Case No. 22-cv-05188-TLT

**ORDER DIRECTING PLAINTIFF TO  
SHOW CAUSE WHY DEFENDANT  
PENNSYLVANIA HIGHER  
EDUCATION ASSISTANCE  
AGENCY'S MOTION TO DISMISS  
SHOULD NOT BE GRANTED**

Re: ECF No. 33

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13 On January 17, 2023, defendant, Pennsylvania Higher Education Assistance Agency  
14 ("PHEAA"), filed a motion to dismiss *pro se* plaintiff Jesus Cerda's ("Plaintiff") first, second, and  
15 fourth counts in his complaint for failure to state a claim against PHEAA upon which relief can be  
16 granted. *See* ECF No. 33; *see also* ECF No. 36. Under Northern District of California Civil Local  
17 Rule 7-3(a), Plaintiff's response or opposition to the motion to dismiss was due by January 31,  
18 2023. Civ. L.R. 7-3(a). Plaintiff did not file a response or opposition by the deadline.

19 Given Plaintiff's failure to oppose the motion to dismiss by the deadline, Plaintiff is hereby  
20 **ORDERED** to show cause why PHEAA's motion should not be granted as unopposed. Plaintiff  
21 shall file a response to this Order to Show Cause by **February 20, 2023**. If Plaintiff seeks to file  
22 an untimely opposition brief, he must submit a request to do so showing good cause for his failure  
23 to comply with the deadline required by the Local Rules and must submit his proposed opposition  
24 brief with the request. If Plaintiff fails to file a response to this Order to Show Cause by the  
25 deadline, the Court shall grant PHEAA's motion as unopposed without further notice to Plaintiff.

26 Finally, if Plaintiff seeks to file an untimely opposition brief, and if the Court grants that  
27 request, it shall set a new deadline for PHEAA to file a reply brief. Accordingly, the April 18,  
28 2023, motion hearing is hereby **VACATED** and will be reset by the Court if necessary.

1           **IT IS SO ORDERED.**

2           Dated: February 6, 2023

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5           TRINA L. THOMPSON  
6           United States District Judge

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United States District Court  
Northern District of California